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Filing date: **06/17/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|--|
| Proceeding | 91210813 |
| Party | Plaintiff SATA GmbH & Co. KG |
| Correspondence Address | Thomas J. Vande Sande Hall & Vande Sande, LLC 10220 River Road, Suite 200 Potomac, MD 20854 UNITED STATES tv@hvslc.com |
| Submission | Motion to Compel Discovery |
| Filer's Name | Thomas J. Vande Sande |
| Filer's e-mail | tv@hvslc.com,dnappi@hvslc.com |
| Signature | /thomasjvandesande/ |
| Date | 06/17/2014 |
| Attachments | Opposers Motion to Compel.pdf(1181612 bytes) Declaration of Thomas J. Vande Sande, Esquire.pdf(240376 bytes) Exhibit 1.pdf(3843322 bytes) Exhibit 2.pdf(2601038 bytes) Exhibit 3.pdf(1983075 bytes) Exhibit 4.pdf(540985 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | | |
|---------------------|---|-------------------------|
| SATA GmbH & Co. KG, |) | |
| |) | |
| |) | |
| Opposer, |) | |
| |) | |
| v. |) | Opposition No. 91210813 |
| |) | |
| Mike Ghorbani, |) | |
| |) | |
| Applicant. |) | |
| _____ |) | |

OPPOSER'S MOTION TO COMPEL

I. INTRODUCTION

Opposer, SATA GmbH & Co. KG, hereby seeks an Order compelling Applicant, Mike Ghorbani, to (a) answer fully interrogatories set forth in Opposer's First Set of Interrogatories, (b) to provide written Responses to Opposer's First Set of Production Requests that comply with the Board rules to fully produce documents responsive to those Requests. Additionally, Opposer requests an Order requiring Applicant to provide a privilege log identifying details relating to each document and communication withheld from discovery by Applicant based upon claims of privilege and/or work product protection.

II. FACTUAL BACKGROUND

This opposition was brought by SATA GmbH & Co. KG in an effort to prevent registration of the mark EURO to Applicant Mike Ghorbani for the goods recited in the subject application.

On August 13, 2013 Opposer served its first set of interrogatories and production requests.

Applicant's interrogatory answers, production request responses, and document production are, as discussed below, incomplete and inadequate.¹

In addition, although Applicant's Production Request Responses and Interrogatory Answers contain frequent assertions of attorney client privilege and work product protection, no support has been offered for those claims and no privilege log has been tendered by Applicant.

On October 31, 2013 Opposer's concerns with respect to Applicant's deficient responses to Opposer's First Set of Production Requests were conveyed in a letter to Applicant's counsel.² Subsequently, Applicant was repeatedly reminded, to no avail, of its shortcomings in responding to Opposer's production requests, as first articulated in the October 31, 2013 letter. (Vande Sande Dec. Ex. 3). Applicant has failed to provide the required supplementation of Responses in connection with any of the numerous discovery deficiencies addressed in Opposer's letter of October 31.

Having never received (1) the required and oft-requested supplementation from Applicant, or (2) a privilege log, or (3) any other attempt to identify withheld documents, or (4) the required supplementation of interrogatory answers, production request responses or the documentation requested through Opposer's First Set of Production Requests, yet another letter was forwarded to Applicant's counsel on April 21, 2014. (Vande Sande Dec. Ex. 3). This letter addressed not only Applicant's six month failure to provide the materials requested in the letter of October 31, 2013,

¹ Copies of the discovery involved in this motion and Applicant's Responses and Answers thereto are submitted herewith as Vande Sande Declaration Exs. 1 and 2.

² True and accurate copies of correspondence evidencing Opposer's good faith, but ultimately unsuccessful, efforts at resolving the issues presented through this motion are collectively submitted herewith as Vande Sande Dec. Ex. 3.

but also specifically referenced certain of Applicant's Interrogatory answers that are insufficient and require supplementation.

To date, Applicant has failed to remedy numerous deficiencies Opposer has raised concerning Applicant's efforts in responding to Opposer's first round of discovery. The fact that the various deficiencies complained of through this Motion have been ignored by Applicant for so many months well evidences the utter futility inherent in any further efforts to obtain Applicant's cooperation with respect to these matters and thus further evidences the timeliness and propriety of this Motion. Understandably, Opposer's efforts in developing its case have been seriously hampered. The fact that discovery is currently set to close on June 26, 2014 unambiguously underscores the impossibility of further delaying the involvement of the Board.

III. SPECIFIC MATTERS IN DISPUTE

Interrogatory 1 And Related Production Requests 1 And 2 - This Interrogatory and these production requests seek information and documentation relating to Applicant's consideration, selection, approval and adoption of the EURO mark. This information is clearly relevant and discoverable. *Goodyear Tire & Rubber Co. v. Tyrco Industries*, 186 USPQ 207 (TTAB 1975). After an initial round of Interrogatories followed by additional correspondence addressing Applicant's discovery discrepancies, Opposer is still without omitted facts, relevant dates, and any related documentation concerning Mr. Ghorbani's alleged "spontaneous" selection of the EURO name and design despite Applicant's assurances that requested documentation would be forthcoming.³ Applicant must be required to fully respond to this highly relevant

³ Opposer notes that Mr. Ghorbani's Initial Disclosures indicated that documentation exists concerning

interrogatory and these production requests. To the extent that allegedly privileged or work product communications or correspondence are responsive, Applicant must be ordered to provide the specificity required of it through the submission of a properly detailed privilege log. Finally, to the extent that Applicant claims that any documentation produced to date is responsive to this discovery, Applicant should be compelled to specify by production number which documents are purportedly responsive to which of Opposer's Production Requests.⁴

Interrogatory 5 And Production Requests 13, 22, And 24 - This discovery inquires as to types of classes of purchasers and information concerning potential consumers including Applicant's claims regarding the alleged sophistication of paint spray gun purchasers. Applicant has provided a non-responsive answer to Interrogatory 5, and has not provided documentation responsive to Production Requests 13, 22 and 24 despite the assurances offered in its Responses that such would be forthcoming. Applicant is to be required to fully and properly respond to this discovery.

Interrogatory 8 - Applicant has failed to properly respond to this Interrogatory. By failing to answer when, and under what circumstances, Applicant first learned of Opposer, Applicant's answer is non-responsive.

Interrogatory 9 And Production Requests 11 And 17 - This discovery requests information concerning Applicant's use and first use of the subject mark. Applicant's failure to provide facts regarding first use with respect to any and all goods renders Applicant's Interrogatory answer non-responsive. In addition, while Applicant's Responses to these

selection of the EURO mark. (Vande Sande Dec. Ex. 4)

⁴ This is an ongoing problem. Applicant has consistently failed to provide any correlation or matching of those documents it has produced with any specific production request.

production requests promised the production of relevant documentation, no such production has occurred. Applicant must be ordered to fully respond to Interrogatory 9 and related Production Requests 11 and 17. To the extent that allegedly privileged or work product communications or correspondence are responsive, Applicant is to be ordered to provide the specificity required of it through the submission of a properly detailed privilege log.

Interrogatory 19 – Applicant’s contention that the primary significance of EURO in general, and as a portion of Applicant’s mark, is merely to identify Applicant’s products is an incomplete and evasive answer. The significance of EURO, as intended by Applicant, and as perceived by average consumers is highly relevant. This interrogatory must be responded to fully and without evasion.

Document Request 9 - This Production Request seeks documents pertaining to any searches conducted by or on behalf of Applicant relating to the subject mark. Such information is relevant and discoverable. Applicant should be required to identify said documentation to the extent that it exists, to produce that which is not privileged, and to identify in a privilege log that which is. Documents produced in response to this Request (and all others) should be specifically so identified by production number.

Document Request 12 - Documentation relating to channels of trade is relevant to this proceeding and must be produced. Having indicated that such would be produced, Applicant must now, unfortunately, be ordered to do so.

Document Request 19 - Documentation consulted by Applicant in determining its annual expenditures for advertising and promoting its EURO designated goods is clearly discoverable and should be produced as was promised by Applicant. Applicant should be ordered to fully respond

to this Request and, in the event it contends that responsive documents have been previously produced, it should be required to identify, as it should with all document production, which of the various documents it has produced are contended to be responsive to this specific Request. To the extent that allegedly privileged or work product communications are responsive, Applicant is to be ordered to provide the specificity required of it through the submission of a properly detailed privilege log.

Document Request 21 - Applicant has failed to produce documentation supporting its claim that Applicant's goods are not inferior to Opposer's goods, despite its proclamation in responding to this request that such documentation would be forthcoming. Applicant should be ordered to fully respond to this Request. Again, in the event that Applicant contends that responsive documents have been previously provided to Opposer, it should be required to identify which of those documents it contends are responsive to this Request. To the extent that allegedly privileged or work product communications are responsive, Applicant must provide the specificity required of it through the submission of a properly detailed privilege log.


IV. CONCLUSION

Opposer requests an Order compelling Applicant to fully respond to Interrogatories 1, 5, 8, 9 and 19 and Production Requests 1, 2, 9, 11, 12, 13, 17, 19, 21, 22 and 24. In addition, Opposer moves the Board to order Applicant to provide a privilege log setting forth sufficient detail as to all communications and documents being withheld from discovery on the basis of claims of privilege or work product in order to allow Opposer the opportunity to make an initial evaluation of the propriety of Applicant's potentially withholding of such from discovery. Finally, Opposer

requests that Applicant be ordered to identify which of its produced documents correspond with which of Opposer's specific production requests.

HALL & VANDE SANDE, LLC

Date: 6/17/14



Thomas J. Vande Sande
Lucas T. Vande Sande
Attorneys for Opposer
10220 River Road, Suite 200
Potomac, Maryland 20854
(301) 983-2500

CERTIFICATE OF SERVICE

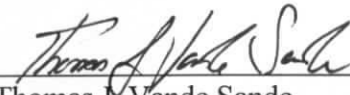
The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER'S MOTION TO COMPEL", the Declaration of Thomas J. Vande Sande in support thereof, and Exhibits 1- 4 appended thereto, was this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esquire
Moradian Law
10880 Wilshire Blvd., Suite 1101
Los Angeles, California 90024

HALL & VANDE SANDE, LLC

Date: _____

8/12/14



Thomas J. Vande Sande
Attorneys for Opposer
10220 River Road, Suite 200
Potomac, Maryland 20854
(301) 983-2500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SATA GmbH & Co. KG,

Opposer,

v.

Mike Ghorbani,

Applicant.

Opposition No. 91210813

DECLARATION OF THOMAS J. VANDE SANDE, ESQUIRE

1. The undersigned, Thomas J. Vande Sande, is counsel for Opposer, SATA GmbH & Co. KG, in connection with Trademark Opposition Proceeding No. 91210813, captioned SATA GmbH & Co. KG v. Mike Ghorbani.

2. Attached hereto as Exhibit 1 is a true and accurate copy of Opposer's First Set of Interrogatories bearing a Certificate of Service dated August 13, 2013 as well as a true and accurate copy of Applicant's answers thereto evidencing service on September 26, 2013.

3. Submitted herewith as Exhibit 2 is a true and accurate copy of Opposer's First Set of Requests for Production with a certificate evidencing service on August 13, 2013 and also a true and accurate copy of Applicant's Responses thereto with a Certificate of Service dated September 19, 2013.

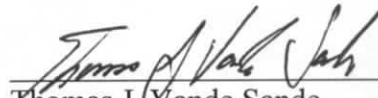
4. Submitted herewith collectively as Exhibit 3 are various items of correspondence commencing on October 31, 2013 evidencing Opposer's efforts in seeking to amicably resolve the issues raised in Opposer's Motion to Compel.

5. Submitted herewith as Exhibit 4 is a true and accurate copy of Applicant's Initial Disclosures, wherein, at paragraph B.2. it is acknowledged that there exist "Documents reflecting Applicant's creation...of its mark."

6. The undersigned has made a good faith effort through multiple items of correspondence, to resolve with Applicant's counsel the issues presented in this Motion.

This Declaration is made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.

Date: 6/17/14



Thomas J. Wande Sande
Hall & Vande Sande, LLC
Attorneys for Opposer
10220 River Road, Suite 200
Potomac, Maryland 20854
(301) 983-2500

Exhibit 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No.: 85/712789
EURO and Design.

| | | |
|---------------------|---|--------------------------|
| SATA GmbH & Co. KG, |) | |
| |) | Mark: EURO & Design |
| Opposer |) | |
| |) | Serial No.: 85/712789 |
| v. |) | |
| |) | Opposition No. 91/210813 |
| |) | |
| Mike Ghorbani |) | |
| Applicant |) | |

APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES

Pursuant to the Federal Rules of Civil Procedure, Applicant Mike Ghorbani (hereinafter "Applicant"), hereby responds and objects to Opposer's First Set of Interrogatories.

PRELIMINARY STATEMENT AND RESERVATION OF RIGHTS

Applicant has not completed its discovery, investigation, research, or trial preparation. Applicant's responses may therefore depend upon information that has not yet been discovered or analyzed. These responses are based solely on the information obtained and reviewed to date.

Applicant reserves the right to amend or supplement these objections and responses to the extent allowed by the Federal Rules of Civil Procedure after considering information obtained or reviewed through further discovery, investigation, or research. Applicant further reserves the right to produce or use any information or documents that are discovered after service of this response in support of, or in opposition to, any motion, in depositions, or at trial. Applicant does not waive any objections on the grounds of privilege, competency, relevance, materiality, authenticity, or admissibility of the information contained herein, and expressly reserves the right to use any of these responses or the subject matter contained in them during any subsequent proceeding, including the trial of this or any other action.

GENERAL OBJECTIONS

The following general objections apply to, and are incorporated by reference in, every response to each interrogatory. Specific objections to the interrogatories are not intended to preclude, override, or withdraw any of the general objections to that request.

1. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it seeks information neither relevant to any claim or defense in this action nor reasonably calculated to lead to the discovery of admissible evidence.

2. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it seeks to impose requirements or obligations on Applicant in addition to, or different from, those imposed by the Federal Rules of Civil Procedure, the Local Rules of this Court, any applicable orders of this Court, or any stipulation or agreement between the parties.

3. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it exceeds the scope of permissible discovery by calling for information that is protected from discovery by the attorney-client privilege, the work product doctrine, and/or any other applicable privilege or immunity. Nothing contained in these objections and responses is intended to be, or in any way constitutes, a waiver of any applicable privilege or immunity. Inadvertent production of such information, document(s), and/or thing(s) shall not be deemed a waiver of any privilege or immunity.

4. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it seeks information that is within the scope of a confidentiality agreement, protective order, settlement agreement, or other obligation that requires consent of any third party.

5. Applicant objects to each interrogatory, Definition, and Instruction as overly broad and unduly burdensome to the extent that it seeks information beyond what is available

from a reasonable search of 's files likely to contain relevant or responsive documents and a reasonable inquiry of 's employees.

6. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it seeks "each and every," "all," or "any" responsive information on the basis that such interrogatory is overly broad and unduly burdensome.

7. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it directs Applicant to describe or state responsive information "in detail" on the basis that such interrogatory is overly broad and unduly burdensome.

8. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it seeks information or identification of documents that are not within the possession, custody, or control of or refers to persons, entities, or events not known to , subjecting Applicant to unreasonable and undue annoyance, oppression, burden, and expense, and imposing upon it an obligation to discover information or materials from third parties or services who are equally accessible to the Opposer.

9. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it seeks information that does not already exist.

10. Applicant objects to each interrogatory to the extent that it calls for legal conclusions or presents questions of pure law.

11. Applicant objects to each interrogatory, Definition, and Instruction as premature to the extent that it seeks expert discovery. Applicant will provide expert discovery in accordance with applicable orders of this Court.

12. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it purports to attribute any special or unusual meaning to any technical or legal terms or phrases.

13. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it seeks information outside the relevant geographical or temporal scope of this action.

14. Applicant objects to each interrogatory, Definition, and Instruction to the extent that it is vague, ambiguous, and unclear, including Opposer's use of terms that are not defined, vaguely and/or over broadly defined, and/or not susceptible to any single meaning. 's failure to object to a term defined by Opposer's in its First Set of Interrogatories shall not be construed to mean that Applicant understands and/or agrees with the Definition.

15. Applicant objects to each interrogatory, Definition, and Instruction to the extent that (i) the discovery sought is unreasonably cumulative or duplicative, is publicly available, and/or is available to Opposer from a more convenient, less burdensome, or less expensive source; (ii) the requesting party has had ample opportunity by discovery to obtain the information sought; or (iii) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in this action, and the importance of the proposed discovery in resolving the issues.

16. Applicant objects to the definitions of "," "You," or "Your" as overbroad, unduly burdensome, vague, ambiguous, unclear, and seeking information that is neither relevant to the claim or defenses of any party to this action, nor reasonably calculated to lead to the discovery of admissible evidence. These definitions, including, without limitation, phrases such as any "of its owners, partners, officers, directors, employees, affiliates, agents, counsel, attorneys,

representatives, and anyone else action on behalf of THE APPLICANT or for THE APPLICANT's benefit," impermissibly enlarge the scope of the interrogatories and this action by seeking to apply these interrogatories to and/or request that Applicant respond on behalf of vague, overbroad, and burdensome categories of entities and include unnamed parties to this action.

17. Applicant objects to the Instructions to the extent they seek to impose a burden and/or duty to identify documents or business records in a manner inconsistent with 's ordinary course of business or beyond the scope of the Federal Rules of Civil Procedure or any applicable local rules. Applicant will comply with the requirements of the Federal Rules of Civil Procedure and any applicable local rules.

18. Applicant objects to the Definitions, Instructions, and interrogatories to the extent they seek to impose a burden and/or duty to provide and/or characterize financial data in a manner inconsistent with its ordinary course of business or beyond the scope of the Federal Rules of Civil Procedure or any applicable local rules. Applicant will comply with the requirements of the Federal Rules of Civil Procedure and any applicable local rules.

SPECIFIC RESPONSES AND OBJECTIONS

Applicant incorporates by reference the General Objections set forth above into the Specific Responses set forth below. Applicant may repeat an objection for emphasis or some other reason. The failure to repeat any General Objection, however, does not waive any such objection to the interrogatory.

INTERROGATORY NO. 1

Describe the facts surrounding the selection of the EURO and design mark by Applicant.
identifying relevant dates and the persons most closely connected with the selection of the mark.
Identify all related documents.

RESPONSE TO INTERROGATORY NO. 1

Subject to the foregoing objections, Applicant responds that Mike Ghorbani selected EURO name and design spontaneously.

INTERROGATORY NO. 2

Identify each meeting or discussion to which the consideration, selection, approval or adoption of the EURO and design mark for use on any of Applicant's goods was discussed, and for each such meeting or discussion, identify each participant. Identify all related documents.

RESPONSE TO INTERROGATORY NO. 2

Subject to the foregoing objections, Applicant responds that no such specific meetings or discussions took place.

INTERROGATORY NO. 3

Identify the individual(s) employed by or associate with Applicant who are most knowledgeable about Applicant's intended and/or actual use of the EURO and design mark.

RESPONSE TO INTERROGATORY NO. 3

Subject to the foregoing objections, Mike Ghorbani is the person most knowledgeable about the subject of this interrogatory.

INTERROGATORY NO. 4

Identify and describe all goods and/or services in connection with which the EURO and design mark is used, or is intended to be used, by Applicant, and by any licensee or other entity using

the mark with Applicant's permission. As to each item of goods and services state the annual revenues in dollars since used of the mark commenced.

RESPONSE TO INTERROGATORY NO. 4

Subject to the foregoing objections, Applicant responds that its use and intended uses of the EURO mark and design are identified in the application for the mark and include, e.g., paint Spray Gun, Air Brush, Compressor, etc.

INTERROGATORY NO. 5

Identify the types of classes of purchases of the goods and services offered by Applicant under the EURO and design mark.

RESPONSE TO INTERROGATORY NO. 5

Subject to the foregoing objections, Applicant responds that its use and intended uses of the EURO mark and design are identified in the application for the mark.

INTERROGATORY NO. 6

Describe in detail the nature of Applicant's business.

RESPONSE TO INTERROGATORY NO. 6

Subject to the foregoing objections, Applicant responds that business is that of import, distribution and sale of paint Spray Gun, Air Brush, Air Regulator, Filter and related products.

INTERROGATORY NO. 7

With respect to each and every opinion of counsel which relates to or refers to Applicant's right to use or register the EURO and design mark, identify each written or oral communication providing each such opinion and each such communication requesting each such opinion. Provide the date any such opinions(s) was or were requested, as well as the date any such opinion was rendered.

RESPONSE TO INTERROGATORY NO. 7

Subject to the foregoing objections, Applicant responds that no such opinions of counsel were obtained.

INTERROGATORY NO. 8

Identify with specificity when and under what circumstances Applicant first learned of the Opposer.

RESPONSE TO INTERROGATORY NO. 8

Subject to the foregoing objections, Applicant responds that it learned of the Opposer through trade shows and industry news.

INTERROGATORY NO. 9

Describe in detail Applicant's first use of the EUOR and design mark with respect to any and all goods. Identify all documents and things which Applicant contends supports its alleged first use date(s) and its alleged date(s) of first use in commerce.

RESPONSE TO INTERROGATORY NO. 9

Subject to the foregoing objections, Applicant responds that it began its use of EURO as long as 8 years ago in connection with paint Spray Guns.

INTERROGATORY NO. 10

Identify the person(s) most knowledgeable concerning:

- (a) the goods and any services offered by Applicant;
- (b) trademarks, trade names, and service marks used by Applicant;
- (c) advertising and advertising plans in connection with which the EURO and design mark have been or are currently used or are intended to be used.

RESPONSE TO INTERROGATORY NO. 10

Subject to the foregoing objections, Applicant responds that Mike Ghorbani is the person most knowledgeable about the subject of this interrogatory.

INTERROGATORY NO. 11

Identify and describe in detail any conflict, allegation of infringement or controversy, whether currently pending or resolved, with any third party involving Applicant and the EURO and design mark. Indentify all documents referring or relating thereto.

RESPONSE TO INTERROGATORY NO. 11

Subject to the foregoing objections, Applicant responds that it is not aware of any such information.

INTERROGATORY NO. 12

State Applicant's annual expenditures for advertising and/or promotion for each of Applicant's goods offered in connection with the EURO and design mark since the date of first use of that mark.

RESPONSE TO INTERROGATORY NO. 12

Subject to the foregoing objections, Applicant responds that its annual expenditures on these items varies but are around \$50K.

INTERROGATORY NO. 13

Identify all uses of the term EURO, either alone or in combination with another word, or words, as a corporate name, trade name, service mark, trademark, or other type of use by third parties in connection with painting related goods and services of which Applicant has knowledge.

RESPONSE TO INTERROGATORY NO. 13

Subject to the foregoing objections, Applicant responds that it is currently aware of the use of EURO by only one entity, named Astro, Inc.

INTERROGATORY NO. 14

Describe in detail the relationship between MG Distributors and Mike Ghorbani.

RESPONSE TO INTERROGATORY NO. 14

Subject to the foregoing objections, Applicant responds that it is the owner of MG Distributors, Inc.

INTERROGATORY NO. 15

Describe in detail all facts upon which Applicant bases its contention that its spray guns are not inferior to Opposer's spray guns as asserted by Applicant in Paragraph 4 of its Answer.

RESPONSE TO INTERROGATORY NO. 15

Subject to the foregoing objections, Applicant responds that its contention that its spray guns are not inferior to Opposer's spray guns is based on Applicant's confidence in its products and the trust and confidence demonstrated by its customers in its products.

INTERROGATORY NO. 16

Describe in detail all facts upon which Applicant bases its contention that its spray guns are sold to different potential customers as asserted by Applicant in Paragraph 4 of its Answer.

RESPONSE TO INTERROGATORY NO. 16

Subject to the foregoing objections, Applicant responds that customers of its products have come to trust and have confidence in those products, including spray guns and repeatedly return to purchase those products. The price differential between Applicant's spray guns and those offered by the Opposer is another basis for the difference in actual and potential customers of these products.

INTERROGATORY NO. 17

Identify the geographic origin of Applicant's goods which bear the EURO and design mark.

RESPONSE TO INTERROGATORY NO. 17

Subject to the foregoing objections, Applicant responds that it is not able to determine the meaning of the above interrogatory and objects to the same as vague, ambiguous and non-sensical.

INTERROGATORY NO. 18

Identify all references to Oppose or its products presently or formerly appearing in any website owned or controlled by Applicant.

RESPONSE TO INTERROGATORY NO. 18

Subject to the foregoing objections, Applicant responds that subject to Federal Rule of Civil Procedure 33(d), all the discovery sought in this interrogatory may be obtained from, among other things, the non-privileged documents that have been produced and will be produced.

INTERROGATORY NO. 19

State what the Applicant contends is the primary significance of "EURO" (a) in general and (b) as a portion of Applicant's mark.

RESPONSE TO INTERROGATORY NO. 19

Subject to the foregoing objections, Applicant responds that a primary significance of its Euro mark and design is its identification of Applicant's products that are identified by that mark.

INTERROGATORY NO. 20

Describe in detail all facts upon which Applicant bases its contention that purchasers of spray guns are sophisticated and unlikely to be confused, as asserted by Applicant in Paragraph 17, Applicant's Affirmative Defenses.

RESPONSE TO INTERROGATORY NO. 20

Subject to the foregoing objections, Applicant responds that, given their cost, customers of spray guns are likely to pay attention and take care to chose the brands that they have trust and confidence in and that they recognize.

INTERROGATORY NO. 21

Identify all media used by Applicant in the offering and promotion of those of Applicant's goods which bear the EURO and design mark.

RESPONSE TO INTERROGATORY NO. 21

Subject to the foregoing objections, Applicant responds that it has utilized the internet, trade shows, direct mail for offering its goods.

INTERROGATORY NO. 22


Identify the person or persons most knowledgeable as to each of the answers provided to each of the foregoing Interrogatories.

RESPONSE TO INTERROGATORY NO. 22

Subject to the foregoing objections, Applicant responds that Mike Ghorbani is the person most knowledgeable about the subject matter of this interrogatory.

Respectfully submitted,
Applicant Mike Ghorbani

Date: 9/26/13

By: 
Dariush G. Adli
ADLI LAW GROUP P.C.
Attorneys for Applicant Mike Ghorbani

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 444 South Flower Street, Suite 1750, Los Angeles, California 90071.

On 9/26/2013, I served the following document(s) described as APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES on the interested parties in this action by placing ☐ the original X a true copy thereof enclosed in a sealed envelope addressed as follows:

Thomas J. Vande Sande
10220 River Road, Suite 200
Potomac, Maryland 20854

- ☒ BY MAIL: I caused such envelope to be deposited in the mail at Los Angeles, California. I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.
- ☐ BY PERSONAL SERVICE: I delivered such envelope by hand to the offices of the addressee(s) listed above.
- ☐ BY FACSIMILE: I caused the above document(s) to be transmitted to the office of the addressee(s) listed above.
- ☐ BY EXPRESS MAIL: I caused the document(s) to be delivered by overnight Express Mail via the United States Postal Service "Express Mail Post Office to Addressee" to the addressee(s) listed above.
- ☐ VIA E-MAIL: I caused a copy of the document(s) to be sent via electronic mail to the above addressee(s) at the e-mail address(es) listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 9/26/2013, County of Los Angeles, California.



Jose Ramos

1. As used herein, "Opposer" includes SATA GmbH & Co. KG, as well as its officers, directors, attorneys and all persons in privity with it with regard to the matters inquired about herein.
2. As used herein the designation "Applicant" refers to the named Applicant, and any and all predecessor or successor companies, assignors, corporations, or other business entities or individuals; any company, corporation or other business entity or individual affiliated with Applicant or owned by it in whole or in part, and the directors, officers, agents, employees and attorneys of any of them, including all persons acting or purporting to act on behalf of, or who are subject to the direction or control of, any of the foregoing. In each instance where an answer to an interrogatory differs as between Applicant and any predecessor or successor companies, corporations, assignor(s),

licensee(s) or any other business entities or person(s) as described above, the answer shall so state, shall set forth such difference(s) and shall state separately all information applicable to Applicant, and all information applicable to each such predecessor or successor company, assignor, licensee, corporation or other business entity or person as described above.

3. The term '789 refers to U.S. Trademark Application Serial No. 85/712,789 for the EURO and design mark.

4. The term "person" refers to any individual, corporation, proprietorship, association, joint venture, company, partnership or other business or legal entity, including governmental bodies and agencies.

5. The term "document" is used in its customary broad sense to include, without limitation, the following items, whether or not prepared by Applicant, whether printed or reproduced by any process, or written or produced by hand, and whether or not claimed to be privileged or otherwise excludable from discovery, namely, notes, letters, correspondence, communications, telegrams, memoranda, e-mails, summaries or records of telephone conversations, summaries or records of personal conversations, diaries, reports, laboratory and research reports, notebooks, charts, plans, drawings, photographs, minutes or records of meetings, including directors' meetings, reports and/or summaries of interviews, reports and/or summaries of investigations, opinions or reports of consultants, reports of trademark searches, trademark appraisals, opinions of counsel, agreements, reports or summaries of negotiations, brochures, pamphlets, advertisements, circulars, trade letters, press releases, drafts of documents, and all material fixed in a tangible or electronic medium of whatever kind known to or in the possession or control of the Applicant. "Document" or "documents" also includes all copies which are not identical to the original.

6. The term "communication" refers to any exchange or transfer, known to Applicant, of information between two or more persons, whether written, oral, electronic, or in any other form.

7. The term "business entity" means a partnership, corporation, proprietorship,

association or any other business organization, whether formal or informal.

8. The term "date" means the exact day, month and year, if ascertainable, or if not, the best approximation (including relationships to other events).

9. The masculine includes the feminine and vice versa; the singular includes the plural and vice versa.

10. As used herein, the term "control" or "controlled" means the power or ability of Applicant to direct the actions, management, or policies of any person, firm or corporation.

11. The term "describe in detail" means describe every fact, statistic, inference, supposition, estimate, consideration, conclusion, study or analysis known to Applicant which relates to the allegation or contention, or which Applicant believes to be evidence of the truth or accuracy of the allegation or contention, and to identify each document relating thereto.

12. Whenever an interrogatory requires the identification of a document, the answer shall state the following information with respect to each such document:

- (a) the date appearing on such document, and if no date appears thereon, the answer shall so state and shall give the date or approximate date such document was prepared;
- (b) the identifying or descriptive code number, file number, title or label of such document;
- (c) the general nature or description of such document (i.e., whether it is a letter, memorandum, e-mail, drawing, etc.) and the number of pages of which it consists;
- (d) the name of the person who signed such document and if it was not signed, the answer shall so state and shall give the name of the person or persons who prepared it;
- (e) the name of the person to whom such document was addressed and the name of each person other than such addressee to whom such document or copies thereof

were given or sent;

- (f) the name of the person having possession, custody or control of such document;
- (g) whether any draft, copy or reproduction of such document contains or has been subject to any postscript, notation, change, amendment or addendum not appearing on said document itself, and, if so, the answer shall identify as herein required each such draft, copy or reproduction;
- (h) the source or origin of said document and, if the document was not generated by Applicant, specify from whom the document was obtained and identify said person and that person's relationship to Applicant;
- (i) if such document was, but is no longer, in Applicant's possession or subject to its control, state what disposition was made of it and when.

13. If the attorney/client privilege or work product protection is claimed with respect to a document or oral communication for which identification is sought herein, with respect to each such interrogatory answer or document request response, a separate list of all such documents or oral communications shall be served with the answers hereto. Such separate list shall identify each document or oral communication by author, recipient and recipients of copies (including titles and whether or not they are attorneys), the date of such document or oral communication, and a summary of the subject matter of the document or oral communication.

14. Whenever an interrogatory requests the identification of an individual or person state, to the extent known, his or her full name, present or last known employer; and if employed by Applicant at any time, the period of time so employed, and the areas of responsibility during such times.

15. Whenever an interrogatory requests the identity of a company, corporation, or other business or legal entity, state to the extent known:

- (a) the full name;

- (b) the location of all divisions, branches or offices which are or were involved in any way with the matters referred to in the interrogatory; and
- (c) the identity of the person acting or purporting to act on behalf of the business entity in connection with the matters referred to in the interrogatory.

16. If Applicant elects to avail itself of the procedure authorized by Rule 33(d) of the Federal Rules of Civil Procedure, as that rule is applied and interpreted by the Trademark Trial and Appeal Board, Applicant shall classify or otherwise appropriately arrange and correlate its documents according to the specific interrogatory to which each such document is responsive. Similarly, in responding to Opposer's requests for production of documents, Applicant shall likewise classify or otherwise appropriately arrange and correlate its documents according to the specific document request to which each such document is responsive.

17. Whenever information requested in an interrogatory is itemized in subparagraphs, or subparts, Applicant shall answer each such subparagraph or subpart separately.

18. Where a document has been destroyed, or is alleged to have been destroyed, state the date of and reason for its destruction, identify each person having any knowledge of its destruction, and each person responsible for its destruction.

19. Once a person has been identified in an answer to an interrogatory, it shall be sufficient thereafter when identifying that person merely to state his or her name.

These interrogatories shall be deemed continuing and Applicant shall be obligated to change, supplement and amend its answers thereto as prescribed by the Federal Rules of Civil Procedure and the rules of the Trademark Trial and Appeal Board.

INTERROGATORIES

INTERROGATORY NO. 1

Describe the facts surrounding the selection of the EURO and design mark by Applicant, identifying relevant dates and the persons most closely connected with the selection of the mark. Identify all related documents.

INTERROGATORY NO. 2

Identify each meeting or discussion at which the consideration, selection, approval or adoption of the EURO and design mark for use on any of Applicant's goods was discussed, and for each such meeting or discussion, identify each participant. Identify all related documents.

INTERROGATORY NO. 3

Identify the individual(s) employed by or associated with Applicant who are most knowledgeable about Applicant's intended and/or actual use of the EURO and design mark.

INTERROGATORY NO. 4

Identify and describe all goods and/or services in connection with which the EURO and design mark is used, or is intended to be used, by Applicant, and by any licensee or other entity using that mark with Applicant's permission. As to each item of goods and services state the annual revenues in dollars since use of the mark commenced.

INTERROGATORY NO. 5

Identify the types and classes of purchasers of the goods and services offered by Applicant under the EURO and design mark.

INTERROGATORY NO. 6

Describe in detail the nature of Applicant's business.

INTERROGATORY NO. 7

With respect to each and every opinion of counsel which relates to or refers to Applicant's right to use or register the EURO and design mark, identify each written or oral communication providing each such opinion and each such communication requesting each such opinion. Provide the date any such opinion(s) was or were requested, as well as the date any such opinion was rendered.

INTERROGATORY NO. 8

Identify with specificity when and under what circumstances Applicant first learned of Opposer.

INTERROGATORY NO. 9

Describe in detail Applicant's first use of the EURO and design mark with respect to any and all goods. Identify all documents and things which Applicant contends supports its alleged first use date(s) and its alleged date(s) of first use in commerce.

INTERROGATORY NO. 10

Identify the person(s) most knowledgeable concerning:

- (a) the goods and any services offered by Applicant;
- (b) trademarks, trade names, and service marks used by Applicant;

- (c) advertising and advertising plans in connection with which the EURO and design mark have been or are currently used or are intended to be used.

INTERROGATORY NO. 11

Identify and describe in detail any conflict, allegation of infringement or controversy, whether currently pending or resolved, with any third party involving Applicant and the EURO and design mark. Identify all documents referring or relating thereto.

INTERROGATORY NO. 12

State Applicant's annual expenditures for advertising and/or promotion for each of Applicant's goods offered in connection with the EURO and design mark since the date of first use of that mark.

INTERROGATORY NO. 13

Identify all uses of the term EURO, either alone or in combination with another word or words, as a corporate name, trade name, service mark, trademark or other type of use by third parties in connection with painting related goods and services of which Applicant has knowledge.

INTERROGATORY NO. 14

Describe in detail the relationship between MG Distributors and Mike Ghorbani.

INTERROGATORY NO. 15

Describe in detail all facts upon which Applicant bases its contention that its spray guns are not inferior to Opposer's spray guns as asserted by Applicant in Paragraph 4 of its Answer.

INTERROGATORY NO. 16

Describe in detail all facts upon which Applicant bases its contention that its spray guns are sold to different potential customers as asserted by Applicant in Paragraph 4 of its Answer.

INTERROGATORY NO. 17

Identify the geographic origin of Applicant's goods which bear the EURO and design mark.

INTERROGATORY NO. 18

Identify all references to Opposer or its products presently or formerly appearing in any website owned or controlled by Applicant.

INTERROGATORY NO. 19

State what Applicant contends is the primary significance of "EURO" (a) in general and (b) as a portion of Applicant's mark.

INTERROGATORY NO. 20

Describe in detail all facts upon which Applicant bases its contention that purchasers of spray guns are sophisticated and unlikely to be confused, as asserted by Applicant in Paragraph 17, Applicant's Third Affirmative Defense.

INTERROGATORY NO. 21

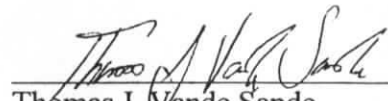
Identify all media used by Applicant in the offering and promotion of those of Applicant's goods which bear the EURO and design mark.

INTERROGATORY NO. 22

Identify the person or persons most knowledgeable as to each of the answers provided to each of the foregoing Interrogatories.

HALL & VANDE SANDE, LLC

Date: 8/13/13



Thomas J. Vande Sande
Attorneys for Opposer
10220 River Road, Suite 200
Potomac, Maryland 20854
(301) 983-2500

CERTIFICATE OF SERVICE

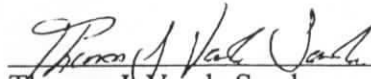
The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER'S FIRST SET OF INTERROGATORIES" was this day served on Applicant by mailing same to:

Darius G. Adli, Esquire
Adli Law Group P.C.
444 South Flower Street, Suite 1750
Los Angeles, California 90071

HALL & VANDE SANDE, LLC

Date:

8/13/13



Thomas J. Vande Sande
Attorneys for Opposer
10220 River Road, Suite 200
Potomac, Maryland 20854
(301) 983-2500

Exhibit 2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No.: 85/712789
EURO and Design.

| | | |
|---------------------|---|--------------------------|
| SATA GmbH & Co. KG, |) | |
| |) | Mark: EURO & Design |
| Opposer |) | |
| |) | Serial No.: 85/712789 |
| v. |) | |
| |) | Opposition No. 91/210813 |
| |) | |
| Mike Ghorbani |) | |
| |) | |
| Applicant |) | |
| |) | |

**APPLICANT'S RESPONSES TO OPPOSER'S REQUESTS FOR
PRODUCTION OF DOCUMENTS AND THINGS**

Pursuant to the Federal Rules of Civil Procedure, Applicant Mike Ghorbani (hereinafter "Applicant"), hereby responds and objects to Opposer's Requests for Production of Documents and Things as follow:

PRELIMINARY STATEMENT AND RESERVATION OF RIGHTS

Applicant has not completed its discovery, investigation, research, or trial preparation. Applicant's responses may therefore depend upon information that has not yet been discovered or analyzed. These responses are based solely on the information obtained and reviewed to date.

Applicant reserves the right to amend or supplement these objections and responses to the extent allowed by the Federal Rules of Civil Procedure after considering information obtained or reviewed through further discovery, investigation, or research. Applicant further reserves the right to produce or use any information or documents that are discovered after service of this response in support of, or in opposition to, any motion, in depositions, or at trial. Applicant does not waive any objections on the grounds of privilege, competency, relevance, materiality, authenticity, or admissibility of the information contained herein, and expressly reserves the right

to use any of these responses or the subject matter contained in them during any subsequent proceeding, including the trial of this or any other action.

GENERAL OBJECTIONS

1. Applicant objects to each Request to the extent it seeks documents or information protected from discovery by the attorney-client privilege, the attorney work-product doctrine and/or any other applicable statutory or common law privilege or protection. Nothing contained in these objections or responses is intended as, or shall in any way be deemed, a waiver of any attorney-client privilege, any work-product protection or any other applicable privilege or doctrine. Any inadvertent production or disclosure of information will not be deemed a waiver of any privilege with respect to the information produced.
2. Applicant objects to each Request to the extent it seeks documents or information which is or contains trade secrets, confidential personal or business information, or other protected documents of Applicant and/or third parties. Applicant notes that as of the date of this response, no protective order has been entered in this case. Applicant will not produce any documents or information which contain trade secrets, confidential or proprietary information, or other protected information prior to the entry of an acceptable protective order.
3. Applicant objects to each Request to the extent it imposes obligations and burdens beyond those permitted by the Federal Rules of Civil Procedure.
4. Applicant objects to each Request which contains no time frames or unduly long time frames to the extent that such requests require responses that would be unduly burdensome and irrelevant. Applicant will only provide responses within the time frame relevant to the issues in dispute.

5. Applicant objects to each Request to the extent that it is unduly burdensome, oppressive, vague, ambiguous, overly broad, or duplicative.
6. Applicant objects to each Request to the extent that it requests documents or information that are not relevant to this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence.
7. Applicant objects to each Request to the extent it is a contention request which requests the impressions or opinions of counsel or experts.
8. Applicant objects to each Request to the extent that it is compound and calls for information on multiple and distinct subjects within a single Request, or lacks foundation.
9. Applicant objects to each Request to the extent that the definition of the terms "YOU," "YOUR," "affiliates," and the individual definitions of each Defendant are overbroad, including that they include individuals or entities not under the control of Applicant.
10. By providing the responses below, Applicant do not waive, but rather preserve, all objections, including, but not limited to, all objections regarding privilege, work product, vagueness, relevancy, ambiguity, and undue burden.
11. Applicant objects to each Request to the extent a response requires documents not in the custody, possession, or control of Applicant.

SPECIFIC RESPONSES AND OBJECTIONS

Applicant incorporates by reference the General Objections set forth above into the Specific Responses set forth below. Applicant may repeat an objection for emphasis or some other reason. The failure to repeat any General Objection, however, does not waive any such objection to the request for production.

REQUEST NO. 1

All documents of any kind which contain or reflect information bearing upon the conception, adoption and selection of the EURO and design mark by Applicant.

RESPONSE TO REQUEST NO. 1

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

REQUEST NO. 2

Samples and/or specimens of each different use made by Applicant of the EURO and design mark in connection with Applicant's goods and any related services.

RESPONSE TO REQUEST NO. 2

Subject to the foregoing objections, Applicant responds that it will make such samples available for inspection and or for sale to the Opposer upon Opposer's request.

REQUEST NO. 3

All advertising, publicity releases, promotional pieces and materials used by Applicant, or by others at Applicant's request or direction or under license from Applicant, in any medium in the marketing, advertising, sale, and/or offering for sale, of goods under the EURO and design mark.

RESPONSE TO REQUEST NO. 3

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

REQUEST NO. 4

All documents which comprise, relate to, or refer to any market plans, forecasts, or sales strategies for goods offered by or intended to be offered by Applicant under the EURO and design mark.

RESPONSE TO REQUEST NO. 4

Subject to the foregoing objections, Applicant responds that no such documents exist.

REQUEST NO. 5

All documents comprising, reflecting, relating to, or including, opinions of counsel regarding Applicant's right to use or register EURO and design as a trademark.

RESPONSE TO REQUEST NO. 5

Subject to the foregoing objections, Applicant responds that no such documents exist.

REQUEST NO. 6

All documents relating to or reflecting the results of any polls or surveys which Applicant has conducted regarding the EURO and design mark.

RESPONSE TO REQUEST NO. 6

Subject to the foregoing objections, Applicant responds that no such documents exist.

REQUEST NO. 7

All assignments, license agreements, and any other agreements relating to the EURO and design mark as well as all correspondence between Applicant and any third party concerning or

referring to the EURO and design mark.

RESPONSE TO REQUEST NO. 7

Subject to the foregoing objections, Applicant responds that no such documents exist.

REQUEST NO. 8

All documents, in any medium, including electronic, which mention, relate or refer to

- (a) Opposer, or;
- (b) Opposer's goods or services, or the promotion or sale of same, or;
- (c) Opposer's marks or trade name.

RESPONSE TO REQUEST NO. 8

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

REQUEST NO. 9

All documents comprising, reflecting or relating to any search made by or on behalf of Applicant relating to the EURO and design mark, or any other EURO or EURO formative marks.

RESPONSE TO REQUEST NO. 9

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

REQUEST NO. 10

All documents which refer to, relate to, or involve, any challenge by any third party to Applicant's right to use or register the EURO and design mark or which contain any suggestion or demand by any third party that Applicant use a different mark.

RESPONSE TO REQUEST NO. 10

Subject to the foregoing objections, Applicant responds that no such documents exist.

REQUEST NO. 11

Documents evidencing Applicant's first use of the EURO and design mark.

RESPONSE TO REQUEST NO. 11

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search and following entry of a protective order in this case.

REQUEST NO. 12

Documents sufficient to show all channels of trade through which Applicant offers, or intends to offer, goods under the EURO and design mark.

RESPONSE TO REQUEST NO. 12

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

REQUEST NO. 13

Documents showing the types of purchasers to whom Applicant has offered goods, or intends to offer goods, under the EURO and design mark.

RESPONSE TO REQUEST NO. 13

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

REQUEST NO. 14

Documents evidencing the nature of Applicant's business.

RESPONSE TO REQUEST NO. 14

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

REQUEST NO. 15

All documents for which identification is requested in Opposer's Interrogatory No. 1.

RESPONSE TO REQUEST NO. 15

REQUEST NO. 16

All documents for which identification is requested in Opposer's Interrogatory No.2.

RESPONSE TO REQUEST NO. 16

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

REQUEST NO. 17

All documents for which identification is requested in Opposer's Interrogatory No.9.

RESPONSE TO REQUEST NO. 17

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

REQUEST NO. 18

All documents for which identification is requested in Opposer's Interrogatory No. 11.

RESPONSE TO REQUEST NO. 18

Subject to the foregoing objections, Applicant responds that no such documents exist.

REQUEST NO. 19

All documents consulted by Applicant in responding to Opposer's Interrogatory No. 12.

RESPONSE TO REQUEST NO. 19

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

REQUEST NO. 20

Documents recording or reflecting the annual revenues received by Applicant from each item of goods offered under the EURO and design mark.

RESPONSE TO REQUEST NO. 20

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search and following entry of a protective order in this case.

REQUEST NO. 21

All documents which Applicant believes support its assertion that Applicant's goods are not inferior to Opposer's goods.

RESPONSE TO REQUEST NO. 21

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

REQUEST NO. 22

All documents which Applicant believes support its assertion that its spray guns are sold to different potential consumers, as asserted by Applicant in Paragraph 4 of its Answer.

RESPONSE TO REQUEST NO. 22

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

REQUEST NO. 23

Documents sufficient to identify the geographic origin and source of Applicant's goods which bear the EURO and design mark.

RESPONSE TO REQUEST NO. 23

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

REQUEST NO. 24

Documents believed by Applicant to support its contention that the purchasers of spray guns are sophisticated.

RESPONSE TO REQUEST NO. 24

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

REQUEST NO. 25

All documents identified in any of Applicant's answers to Opposer's First Set of

Interrogatories not otherwise produced pursuant to a previous request.

RESPONSE TO REQUEST NO. 25

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

REQUEST NO. 26

Any and all documents and things, not produced in response to any other document request, which are within Applicant's possession, custody or control and which are identified or were referred to, reviewed, or consulted in response to, or in preparing answers to, Opposer's First Set of Interrogatories.

RESPONSE TO REQUEST NO. 26

Subject to the foregoing objections, Applicant responds that it has and/or will produce non-privileged documents that respond to this request that are in its possession, custody or control, to the extent that such documents exist, after a reasonable search.

Respectfully submitted,
Applicant Mike Ghorbani

Date: 9/19/13

By



Dariush G. Adli
ADLI LAW GROUP P.C.
Attorneys for Applicant Mike Ghorbani

Samples and/or specimens of each different use made by Applicant of the EURO and design mark in connection with Applicant's goods and any related services.

Request No. 3

All advertising, publicity releases, promotional pieces and materials used by Applicant, or by others at Applicant's request or direction or under license from Applicant, in any medium in the marketing, advertising, sale, and/or offering for sale, of goods under the EURO and design mark.

Request No. 4

All documents which comprise, relate to, or refer to any market plans, forecasts, or sales strategies for goods offered by or intended to be offered by Applicant under the EURO and design mark.

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All documents comprising, reflecting, relating to, or including, opinions of counsel regarding Applicant's right to use or register EURO and design as a trademark.

Request No. 6

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Request No. 7

All assignments, license agreements, and any other agreements relating to the EURO and design mark as well as all correspondence between Applicant and any third party concerning or referring to the EURO and design mark.

Request No. 8

All documents, in any medium, including electronic, which mention, relate or refer to

- (a) Opposer, or;
- (b) Opposer's goods or services, or the promotion or sale of same, or;
- (c) Opposer's marks or trade name.

Request No. 9

All documents comprising, reflecting or relating to any search made by or on behalf of Applicant relating to the EURO and design mark, or any other EURO or EURO formative marks.

Request No. 10

All documents which refer to, relate to, or involve, any challenge by any third party to Applicant's right to use or register the EURO and design mark or which contain any suggestion or demand by any third party that Applicant use a different mark.

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Request No. 13

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Request No. 17

All documents for which identification is requested in Opposer's Interrogatory No. 9.

Request No. 18

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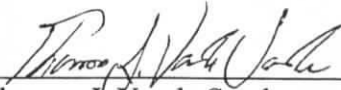
Request No. 26

Any and all documents and things, not produced in response to any other document request, which are within Applicant's possession, custody or control and which are identified or were referred to, reviewed, or consulted in response to, or in preparing answers to, Opposer's First Set of Interrogatories.

HALL & VANDE SANDE, LLC

Date: _____

8/13/13



Thomas J. Vande Sande
Attorneys for Opposer
10220 River Road, Suite 200
Potomac, Maryland 20854
(301) 983-2500

CERTIFICATE OF SERVICE

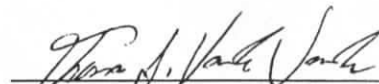
The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER'S FIRST REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS" was this day served on Applicant by mailing same, first class mail, to:

Darius G. Adli, Esquire
Adli Law Group P.C.
444 South Flower Street, Suite 1750
Los Angeles, California 90071

HALL & VANDE SANDE, LLC

Date: _____

8/13/13



Thomas J. Vande Sande
Attorneys for Opposer
10220 River Road, Suite 200
Potomac, Maryland 20854
(301) 983-2500

Exhibit 3

Thomas Vande Sande

From: Thomas Vande Sande
Sent: Tuesday, June 10, 2014 2:57 PM
To: Payam Moradian (p@moradianlaw.com)
Cc: Lucas Vande Sande; Denise Nappi
Subject: RE: STATUS

Mr. Moradian,

We note your promises with respect to two of the issues discussed in our letter of May 8. We also note that no progress has been made with respect to the other outstanding issues discussed in that, and earlier, correspondence.

Finally, we have not been provided with any interrogatory answers executed by Mr. Ghorbani.

Tom Vande Sande

From: Payam Moradian [<mailto:p@moradianlaw.com>]
Sent: Friday, June 06, 2014 3:51 PM
To: Thomas Vande Sande
Cc: Lucas Vande Sande; Denise Nappi
Subject: Re: STATUS

Mr. Vande Sande,

Our expert's supplementation will be served on June 10th.

The Board recently resumed the proceeding on May 27, 2014. We have 30 days from this date to respond to your new discovery requests since these were served during the suspension period. Nevertheless, we expect to produce a number of documents next week. We have until June 27, 2014 to respond to your second set of interrogatories, and wish to take that time to ensure that we cite to all the relevant documents.

I attach the verification that Adli Law had sent you for the first set of interrogatories. I only need to send you a verification for the supplement to ROG 17.

Please take this time to reconsider your position to refuse to answer our ROGs and produce relevant documents regarding 1) where each component of Sata's spray guns are made, 2) information on competitors of Sata and market share in the US. We plan to move for a motion to compel on these issues if our meet and confer is not successful

Thank you

On Fri, Jun 6, 2014 at 12:04 PM, Thomas Vande Sande <tv@hvsllc.com> wrote:

Mr. Moradian,

We are quite concerned by the fact that we have received no supplementation, nor any substantive response to, the various discovery matters set forth in our email of May 8, 2014 identified as items 1-5(a)-(g). As you will recall, some of the discovery issues raised in that correspondence deal with deficiencies that I have been writing about since October 2013.

In addition, it has come to our attention that your client's Answers to our First Set of Interrogatories were executed by counsel and not by Mr. Ghorbani. Please have your client sign off on the Answers and forward such to us promptly.

Please provide us, by no later than the end of next week, with a written reply to our email of May 8 detailing your client's position with respect to each of the specific issues set forth therein, along with whatever supplementation your client is looking to offer voluntarily.

Tom Vande Sande

--

Payam Moradian, Patent Attorney
10880 Wilshire Blvd, Suite 1101
Los Angeles, CA 90024
p@moradianlaw.com
917-353-1919

www.moradianlaw.com

Admitted before US Patent & Trademark Office, CA bar, and NY bar.

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Thomas Vande Sande

From: Thomas Vande Sande
Sent: Friday, June 06, 2014 3:07 PM
To: Payam Moradian (p@moradianlaw.com)
Cc: Lucas Vande Sande; Denise Nappi
Subject: STATUS

Mr. Moradian,

We are quite concerned by the fact that we have received no supplementation, nor any substantive response to, the various discovery matters set forth in our email of May 8, 2014 identified as items 1-5(a)-(g). As you will recall, some of the discovery issues raised in that correspondence deal with deficiencies that I have been writing about since October 2013.

In addition, it has come to our attention that your client's Answers to our First Set of Interrogatories were executed by counsel and not by Mr. Ghorbani. Please have your client sign off on the Answers and forward such to us promptly.

Please provide us, by no later than the end of next week, with a written reply to our email of May 8 detailing your client's position with respect to each of the specific issues set forth therein, along with whatever supplementation your client is looking to offer voluntarily.

Tom Vande Sande

Thomas Vande Sande

From: Thomas Vande Sande
Sent: Thursday, May 08, 2014 3:22 PM
To: 'Payam Moradian'
Cc: Lucas Vande Sande; Denise Nappi
Subject: RE: MEET AND CONFER

Dear Mr. Moradian,

We are looking to have resolved prior to our meet and confer, or discussed during the meet and confer, the following:

1. Our often mentioned letter of October 31, 2013 detailing the specific deficiencies in Mr. Ghorbani's Responses and document production in connection with our first set of requests for production. The various issues raised in that letter have been neglected for way too long.
2. The particulars set forth in our letter of April 21, 2014.
3. The date by which you intend to respond to our second set of interrogatories and our second set of production requests. As you have previously noted, the suspension of proceedings effects the date your answers, responses and production are due, but I am looking for a statement of your intentions as to when you believe those items of discovery are to be responded to. As I earlier noted, your client has now had months to make related efforts and I do not see the need for a further 30 delay being tacked on once the Board has lifted the suspension.
4. We have recently received from you documents bearing production numbers MGD 000058-000063 but we do not see any indication of any document request or response associated with these documents. Please identify the specific discovery which prompted the production of these documents.
5. We have several issues to address relating to the interrogatory answers and production request responses received in connection with our expert related discovery.
 - a. We note that the simple inquiry set forth in Interrogatory 2 has been ignored. The question requires no more than a yes or no answer. Please supplement accordingly.
 - b. As to Interrogatory 3, we can quibble, if needed, at some later date concerning geography issues. In the meanwhile, we request that our interrogatory be answered. Doing so should not be difficult for an expert.
 - c. Turning to Interrogatory 4, the interrogatory asks the expert about the considerations a consumer might entertain before obtaining a sample gun to test, not when a consumer asks for a sample. Given the discussion set forth in your expert's Report, we would imagine that he should be able to answer this question. We need to receive an answer

reflecting your expert's knowledge or opinion as such might pertain to the question asked.

- d. The answer provided in response to interrogatory 6 is completely unresponsive. The inquiry relates to the copying of guns. No discussion is requested or needed relating to popularity. Please see that we are provided with answers to the very specific questions set forth in parts A and B of this interrogatory.
- e. Interrogatory 7 poses a simple yes or no question. We demand a non-evasive answer to the single simple inquiry posed.
- f. The answers provided in response to Interrogatories 9 and 10 are flawed for several reasons. Firstly, the objections that these inquiries are "incomplete" and "prejudicial" simply make no sense. Additionally, both the objections and the proffered answer ignore the fact that we are entitled to pose hypothetical questions to an expert. He need be provided with no specific website reference. We are simply asking him what the motivation would be, in his expert opinion for a vendor making the statements set forth in the interrogatories at a website. Finally, looking at the "expert's" answer, if he indeed is not familiar with, or was not provided with statements made by Mr. Ghorbani as such relate to SATA and its products, we will leave to the Board the effect and impact that fact may have on the knowledge of, and the opinions urged by, Mr. Demarco.
- g. Directing your attention to the Responses to our expert directed production requests, we are quite concerned with the Responses received to Requests 1,3 and 4. Specifically, each Response contends that the related Request is "overly burdensome", but absolutely no detail is provided in terms of the number of involve documents and obviously they are not located in some remote area that makes their location a chore. Additionally, while claims of work product protection and attorney client privilege are made, no supporting privilege log has been provided. Please promptly provide us such so that we mat fairly evaluate the claims you have made in accordance with the applicable rules of law. Next, we note that the Responses state that responsive documents "will" be produced. Please provide us with a date certain for such production. Finally, while it is stated that a substantial number of documents have been produced along with the expert's report, no effort has been made to identify any documents that have been produced in response to these requests. Please provide a specific identification of any such documents in response to Requests 1, 3 and 4.

It may well be that we will have other issues to raise relating to these and other pending matters and we will of course bring such to your attention as they arise. In the meanwhile, I appreciate your willingness to resolve all possible issues prior to our discussion next week.

Best regards,

Tom Vande Sande

From: Payam Moradian [mailto:p@moradianlaw.com] .stt

Sent: Wednesday, May 07, 2014 2:36 PM

To: Thomas Vande Sande

✓ **Cc:** Lucas Vande Sande; Denise Nappi

Subject: Re: MEET AND CONFER

Mr. Vande Sande,

May 14 at 11AM my time works for me. I would appreciate if you send me an agenda of issues that you have at your end. I may be able to resolve them before the teleconference.

Thank you

On Wed, May 7, 2014 at 11:32 AM, Thomas Vande Sande <tv@hvslc.com> wrote:

Dear Mr. Moradian,

I join you in believing that it would likely be beneficial for us to have the opportunity to discuss various outstanding issues, including those raised in your email of May 2.

I would like to suggest that we schedule a time for May 14th, preferably at 10:00 or 11:00 am your time. Please let me know if one of these times works for you.

Best regards,

Tom Vande Sande

--

Payam Moradian, Patent Attorney

10880 Wilshire Blvd, Suite 1101

Los Angeles, CA 90024

p@moradianlaw.com

917-353-1919

www.moradianlaw.com

Admitted before US Patent & Trademark Office, CA bar, and NY bar.

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Thomas Vande Sande

From: Payam Moradian <p@moradianlaw.com>
Sent: Wednesday, May 07, 2014 2:36 PM
To: Thomas Vande Sande
Cc: Lucas Vande Sande; Denise Nappi
Subject: Re: MEET AND CONFER

Mr. Vande Sande,

May 14 at 11AM my time works for me. I would appreciate if you send me an agenda of issues that you have at your end. I may be able to resolve them before the teleconference.

Thank you

On Wed, May 7, 2014 at 11:32 AM, Thomas Vande Sande <tv@hvsllc.com> wrote:

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I would like to suggest that we schedule a time for May 14th, preferably at 10:00 or 11:00 am your time. Please let me know if one of these times works for you.

Best regards,

Tom Vande Sande

--

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p@moradianlaw.com
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HALL & VANDE SANDE, LLC

ATTORNEYS AT LAW

10220 RIVER ROAD, SUITE 200
POTOMAC, MARYLAND 20854
TELEPHONE: (301) 983-2500
FACSIMILE: (301) 983-2100
WEBSITE: www.hvslc.com

Patent, Trademark
and Copyright Law
and Litigation

THOMAS J. VANDE SANDE (MD, DC BARS)
E-MAIL: tv@hvslc.com

WILLIAM D. HALL (RET.)
ROBERT R. PRIDDY (1936-2009)

DENNIS A. FOSTER (MD, DC BARS)
WALTER OTTESEN (NY BAR)
CHRISTIAN OTTESEN (NH BAR)
GEORG HASSELMANN (VA BAR)

April 21, 2014

Payam Moradian, Esquire
Oppenheimer Tower
10880 Wilshire Blvd., Suite 1101
Los Angeles, CA 90024

Re: SATA/M.G. Distributor – Ghorbani Discovery Deficiencies

Dear Mr. Moradian:

Please find attached a copy of our previously submitted letter of 10/31/13 requesting production of documentation which was not provided despite counsel's assurances that such production would be forthcoming. We have not yet received documentation satisfying any of the twelve areas indicated and listed, and thus request that you tend to this matter promptly.

We further believe that certain answers provided in response to our Interrogatories were insufficient and require supplementation. Specifically:

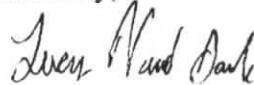
1. In respect to Interrogatory Answer 1, you have omitted facts, relevant dates, and any related documentation concerning Mr. Ghorbani's alleged "spontaneous" selection of the EURO name and design. We note that Mr. Ghorbani's initial disclosures indicated that documentation and/or facts exist concerning selection of the EURO mark.
2. In respect to Interrogatory Answer 5, we find your answer to be non-responsive. We have inquired as to types of classes of purchasers. We are entitled to such information and such information was not provided.
3. In respect to Interrogatory Answer 8, you have neglected to answer when, and under what circumstances, Applicant first learned of Opposer.
4. In respect to Interrogatory Answer 9, we have asked for detailed descriptions of first use dates with respect to any and all goods, in addition to documentation evidencing such first use dates. Merely responding that Applicant began using the EURO mark 8 years ago provides insufficient detail.
5. In response to Interrogatory 19, you have neglected to answer what the primary significance of "EURO" is in general.

HALL & VANDE SANDE, LLC

Payam Moradian, Esquire
April 21, 2014
Page 2

Please provide the above requested documentation and information in a timely manner.
We anticipate hearing from you soon in order remedy these deficiencies.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lucas Vande Sande".

Lucas Vande Sande

LVS:dn
Enclosure

Thomas Vande Sande

From: Thomas Vande Sande
Sent: Tuesday, December 03, 2013 11:32 AM
To: Payam Moradian
Cc: Lucas Vande Sande; Denise Nappi
Subject: RE: Opposition 91/210813

Dear Mr. Moradian,

Thank you for your email.

Am I to understand that you are replacing Mr. Adli as Applicant's counsel in this matter or are you instead to be seen as additional counsel for the Applicant?

In response to your inquiry regarding service, I would prefer that we continue to use first class mail for the service of all documents, although I welcome your emails regarding any aspect of this matter and will ordinarily look to respond by email.

In looking to move forward, I note that we have not received any response to our letter of October 31 concerning documents promised us in responses to our 1st set of Document Requests. Would you please tell us when we might reasonably expect to receive the benefit of a reply to our letter and the completion of the document production.

In addition, a typographical error in the text of our Interrogatory 17 resulted in what should have been "bear" appearing as "beat". This error resulted in an objection to our interrogatory as being nonsensical. Please let me know if you will accept this clarification and provide us with a substantive answer to that interrogatory or if instead you are requiring us to re-serve Interrogatory 17.

I look forward to receiving the benefit of your reply and to our mutual cooperation in proceeding with this matter.

Sincerely,
Tom Vande Sande

From: Payam Moradian [<mailto:p@moradianlaw.com>]
Sent: Monday, December 02, 2013 1:40 PM
To: Thomas Vande Sande
Subject: Opposition 91/210813

Please see attached Power of Attorney for the above referenced opposition. Would you be agreeable to do service in this opposition to each other solely by email, or alternatively by both email and first class mail?

Thank you

--

Payam Moradian, Patent Attorney
2789 Woodwardia Dr.
Los Angeles CA 90077
p@moradianlaw.com
917-353-1919
Admitted before US Patent & Trademark Office, CA bar, and NY bar.

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10/31
HALL & VANDE SANDE, LLC

ATTORNEYS AT LAW

10220 RIVER ROAD, SUITE 200
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TELEPHONE: (301) 983-2500
FACSIMILE: (301) 983-2100

Patent, Trademark
and Copyright Law
and Litigation

THOMAS J. VANDE SANDE
DENNIS A. FOSTER
JOHN GIBSON SEMMES

OF COUNSEL
WILLIAM D. HALL
ROBERT R. PRIDDY

Darius G. Adli
ADLI LAW GROUP P.C.
444 South Flower Street, Suite 1750
Los Angeles, California 90071

Dear Mr. Adli,

Many of your responses to our production requests clearly indicate an intention on your behalf to produce documentation which we found to be absent in your September 20th submission. Specifically, we ask that you follow up with the following document production:

1. All documents of any kind which contain or reflect information bearing upon the conception, adoption and selection of the EURO and design mark by Applicant (Request 1).
2. Samples and/or specimens of each different use made by Applicant of the EURO and design mark in connection with Applicant's goods and any related services (Request 2).
3. All documents comprising, reflecting or relating to any search made by or on behalf of Applicant relating to the EURO and design mark, or any other EURO or EURO formative marks (Request 9).
4. Documents evidencing Applicant's first use of the EURO and design mark (Request 11).
5. Documents sufficient to show all channels of trade through which Applicant offers, or intends to offer, goods under the EURO and design mark (Request 12).
6. Documents showing the types of purchasers to whom Applicant has offered goods, or intends to offer goods, under the EURO and design mark (Request 13).
7. All documents for which identification is requested in Opposer's Interrogatory No.2 (Request 16).
8. All documents for which identification is requested in Opposer's Interrogatory No.9 (Request 17).
9. All documents consulted by Applicant in responding to Opposer's Interrogatory No.12 (Request 19).
10. All documents which Applicant believes support its assertion that Applicant's goods are not inferior to Opposer's goods (Request 21).
11. All documents which Applicant believes support its assertion that its spray guns are sold to different potential consumers, as asserted by Applicant in Paragraph 4 of its Answer (Request 22).
12. Documents believed by Applicant to support its contention that the purchasers of spray guns are sophisticated (Request 24).

We believe the listed requests remain unaddressed despite your stating that such documentation would be provided. Please forward this documentation at your earliest convenience.

Sincerely,



Lucas Vande Sande

Exhibit 4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No.: 85/712789
EURO and Design.

| | | |
|---------------------|---|--------------------------|
| SATA GmbH & Co. KG, |) | |
| |) | Mark: EURO & Design |
| Opposer |) | |
| |) | Serial No.: 85/712789 |
| v. |) | |
| |) | Opposition No. 91/210813 |
| |) | |
| Mike Ghorbani |) | |
| Applicant |) | |
| |) | |

APPLICANT'S RULE 26(A)(1) INITIAL DISCLOSURES

Applicant Mike Ghorbani (hereinafter "Applicant"), hereby submits its initial disclosures as required by Rule 26(a)(1) of the Federal Rules of Civil Procedure 37 C.F.R. 2.120(a)(3) and TBMP §401.02.

A. In accordance with Rule 26(a)(1)(A), following is a list of persons who are likely to have discoverable non-privileged information that Applicant may use to support its claims, unless solely for impeachment.

Mike Ghorbani, its principals, members, and employees can be contacted through their counsel, ADLI LAW GROUP P.C., 444 South Flower Street, Suite 1750, Los Angeles, CA 90071, phone number 213-623-6546.

Subject: development, use and ownership of the Applicant's mark; design, inspiration and creation for Applicant's mark; Applicant's business operation and activities; Applicant's goods and services; Applicant's trademark application; facts and defenses alleged in the Notice of Opposition and Answer thereto

APPLICANT'S RULE 26(A)(1) INITIAL DISCLOSURES

Subject: use and ownership of the Opposer SATA GmbH & Co. KG, ("Opposer" or "SATA")'s mark; design, inspiration and creation for Opposer's mark; Opposer's business operation and activities; Opposer's goods and services; Opposer's trademark application; facts and defenses alleged in the Notice of Opposition and Answer thereto.

Applicant reserves the right to amend this list upon identification of other individuals through discovery or through development of the issues.

B. In accordance with Rule 26(a)(1)(B), a copy of or description by category of all documents and things now in the applicant's possession, custody or control that it may use to support its claims or defenses, unless solely for impeachment:

1. Documents associated with Applicant's federal trademark application.
2. Documents reflecting Applicant's creation and prior use of its mark.
3. Documents reflecting Applicant's services and goods.

A representative sample of these documents is attached hereto as Applicant's INITIAL DISCLOSURE PRODUCTION MGD00001-MGD000020.

Applicant reserves the right to amend this list upon identification of other documents and things through discovery or through development of the issues.

Respectfully submitted,
Applicant Mike Ghorbani

Date: September 4, 2013

By: 

Dariush G. Adli
ADLI LAW GROUP P.C.
Attorneys for Applicant Mike Ghorbani

APPLICANT'S RULE 26(A)(1) INITIAL DISCLOSURES

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 444 South Flower Street, Suite 1750, Los Angeles, California 90071.

On September 4, 2013, I served the following document(s) described as APPLICANT'S RULE 26(A)(1) INITIAL DISCLOSURES on the interested parties in this action by placing ☐ the original X a true copy thereof enclosed in a sealed envelope addressed as follows:

Thomas J. Vande Sande
Hall & Vande Sande, LLC
10220 River Road, Suite 200
Potomac, Maryland 20854

- ☒ BY MAIL: I caused such envelope to be deposited in the mail at Los Angeles, California. I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.
- ☐ BY PERSONAL SERVICE: I delivered such envelope by hand to the offices of the addressee(s) listed above.
- ☐ BY FACSIMILE: I caused the above document(s) to be transmitted to the office of the addressee(s) listed above.
- ☐ BY EXPRESS MAIL: I caused the document(s) to be delivered by overnight Express Mail via the United States Postal Service "Express Mail Post Office to Addressee" to the addressee(s) listed above.
- ☐ VIA E-MAIL: I caused a copy of the document(s) to be sent via electronic mail to the above addressee(s) at the e-mail address(es) listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 4, 2013, County of Los Angeles, California.



Jose Ramos

APPLICANT'S RULE 26(A)(1) INITIAL DISCLOSURES